## **PATENT**

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being deposited via facsimile to Commissioner for Patents, Attention: Dameron L. Jones whose telephone number is (571) 272-0817 and fax number is (703) 872-9306 on

HALLOW V

May 18, 2004

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE MAY 1 8 2004

Applicant(s):

Achilefu et al.

Serial No.:

09/981,206 October 17, 2001

Filed: Group Art Unit:

JULUUUU 17

Confirmation No.:

1616 5790

Examiner:

Jones, Dameron

Title:

CARBOCYANINE DYES FOR TANDEM, PHOTODIAGNOSTIC

AND THERAPEUTIC APPLICATIONS

Our Ref. No.:

MRD-74

Cincinnati, OH 45202

May 18, 2004

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

## **RESPONSE**

Although the applicants will not respond to the Office Action dated February 24, 2004, this is not to be construed as acquiescence to the rejection, and applicants reserve the right to re-file the same or similar claims based upon an identical disclosure in a future co-pending application.

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Applicants do not believe there is any fee due with this submission. However, if any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

The Examiner is invited to contact applicants' undersigned representative with any questions.

Respectfully submitted,

WOOD, HERRON & EVANS. L.L.P.

Beverly A. Lyman, Ph.D.

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